

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

CARL NELSON AND KHARI PORTER,
INDIVIDUALLY AND ON BEHALF OF
ALL OTHERS SIMILARLY SITUATED,

Plaintiffs,

v.

Case No. 1:21-cv-00895-AJT-MSN

AREA WIDE PROTECTIVE, INC.,; AND
W.E.K. ENTERPRISES, LLC, FORMERLY
KNOWN AS ROADTEK TRAFFIC
SOLUTIONS, LLC,

Defendants.

W.E.K. ENTERPRISES, LLC'S
MOTION TO DISMISS AMENDED COMPLAINT

NOW COMES the defendant, W.E.K. Enterprises, LLC, by counsel, pursuant to Federal Rule of Civil Procedure 12(b)(1) and 12(b)(6), and moves the Court to compel arbitration of Plaintiffs' claims pursuant to an arbitration agreement executed by the named Plaintiffs and Area Wide Protective, Inc. and dismiss Counts I and II of the Plaintiffs' Complaint. Further, and in the alternative, W.E.K. Enterprises, LLC states that the Plaintiffs have not stated a claim upon which relief can be granted in Count II of the Amended Complaint and that this claim should be dismissed. Defendant hereby incorporates its Brief in support of this Motion to Dismiss as if fully set forth herein.

WHEREFORE, W.E.K. Enterprises, LLC respectfully requests that this Court grant this Motion and enter an Order compelling arbitration of Plaintiffs' claims against it, and dismissing Plaintiffs' Amended Complaint, with prejudice, and award any such other relief as this Court deems just.

W.E.K. ENTERPRISES, LLC
By Counsel

/s/
Jeremy D. Capps (VSB No. 43909)
Blair H. O'Brien (VSB No. 83961)
Counsel for W.E.K. Enterprises, LLC
Harman, Claytor, Corrigan & Wellman
P.O. Box 70280
Richmond, Virginia 23255
804-747-5200 - Phone
804-747-6085 - Fax
jcapps@hccw.com
bobrien@hccw.com

CERTIFICATE

I hereby certify that on the 19th day of October, 2021, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

Gregg C. Greenberg, Esq.
Zipin, Amster & Greenberg, LLC
8757 Georgia Avenue, Suite 400
Silver Spring, MD 20910
301-812-4744 - Phone
ggreenberg@zagfirm.com

Francisco Mundaca, Esq.
Robert W.T. Tucci, Esq.
The Spiggle Law Firm, PLLC
4830A 31st Street, S - Suite A
Arlington, VA 22206
202-449-8527 - Phone
fmundaca@spigglelaw.com
rtucci@spigglelaw.com

David I. Klass, Esq.
Edward N. Boehm, Jr., Esq.
Fisher & Phillips, LLP
227 West Trade Street, Suite 2020
Charlotte, NC 28202
704-334-4565 - Phone
dklass@fisherphillips.com
tboehm@fisherphillips.com

Scott M. Zurakowski, Esq.
Krugliak, Wilkins, Griffiths & Dougherty Co., LPA
PO Box 36963
Canton, OH 44735-6963
330-497-0700 - Phone
szurakowski@kwgd.com

/s/_____
Jeremy D. Capps (VSB No. 43909)
Blair H. O'Brien (VSB No. 83961)
Counsel for W.E.K. Enterprises, LLC
Harman, Claytor, Corrigan & Wellman
P.O. Box 70280
Richmond, Virginia 23255
804-747-5200 - Phone
804-747-6085 - Fax
jcapps@hccw.com
bobrien@hccw.com